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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-10*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-10*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   **Response to Amendment**

This action is in response to applicant's amendment filed on 11/27/2007

Claims 1-7 are still pending in the present application and claims 8-10 were

added. **This action is made FINAL.**

Response to Arguments

Applicant's arguments filed on 11/27/2007 have totally considered, but they

are not persuasive. Applicant argues that Inoue(US. No. 20010011373) did not

disclose "tuning the selection channel and updating the corresponding EPG

information". Also, applicant argues that Inoue did not mention where the

information comes from, nor is there mention it has been previously stored.

Finally, applicant argues that Matsuyama(US.7239359) did not disclose any

detailed information about how the tuner 2 of fig.1 might update EPG information

corresponding to the selected channel.

However, Inoue et al disclose (in case that the past TV program information is

to be erased by sequentially updating the SI, if the program cell in the past is

specified, such a message may be displayed that the TV program corresponding

to this specified program has already been broadcasted,0092). (The receiving

apparatus 1 receives information related to the EPG transmitted from the satellite

simultaneously with the digital broadcast signal, and display it on the picture

plane of the television set in response to an instruction of the viewer, 0061). (The

tuner 4 is tuned to a receiving band selected by the user, 0063). (Also in the

RAM 16, EPG text data to perform the EPG display is stored. A flash memory 14

stores various graphic data to perform the EPG display, 0066). All these data

prove that Inoue by himself discloses updating, tuning and storing. Matsuyama et

al disclose the CPU 13 sets the lowest frequency, for example, in the tuner 2 and

performs a channel selection operation to make a channel search (step S4), and

judges the presence or absence of broadcasting (step S5). When the

broadcasting is detected, information related to a channel on which the

broadcasting exists is acquired (step S6). Examples of the channel information

include information related to the name of a broadcasting station and information related to a frequency set in the tuner 2, for example, which can be acquired by receiving on the channel. Data updating processing is performed on the basis of data acquired by the channel search. That proves that Matsuyama discloses updating EPG information by acquiring information related to a broadcast in the channel search.

As a result, applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 and are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al, US. No. 20010011373.

Re claim 1, Inoue et al disclose A method of controlling a program guide display using an electronic program guide (a method of displaying a program guide, lines 2-3, 0007), the method comprising: in response to a command to enter an EPG mode (see fig.5, element 46, EPG mode; an EPG key 46 is a key to display the EPG picture plane as shown in FIG. 3. Namely, under a condition that a normal program is viewed, if the EPG key 46 is pressed, the picture plane of the TV display is changed from the normal program picture plane to the EPG picture plane as shown in FIG. 3, 0088), displaying EPG information(see fig.1, element 200, EPG output; that means display EPG) of N channels (channels in a greater number than 5 may be simultaneously displayed, lines 5-6, 0082; n channels, 0117), which EPG information has been previously stored (The SI is the origin of the EPG display data. The EPG displaying process is performed by

using this SI. The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform the EPG display is stored, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text); and whenever a selection channel is selected from among the N channels for which the EPG information is displayed, tuning the selection channel (the tuner is tuned to a receiving band selected by the user, lines 8-9, 0063; that means the user selects a channel) and updating corresponding EPG information(updated program display, line 13, 0103).

Re claim 2, Inoue et al disclose wherein operation further comprises tuning (The tuner 4 is tuned to a receiving band selected by the user, 0063; that means tuning to a channel) a channel of the N channels (User searches for the favorite program among the channels and select it, lines 3-4, 0006; that means user tunes to a specific channel among the N channels) for which the entry of the EPG mode is requested(an EPG key 46 is a key to display the EPG picture plane as shown in FIG. 3. Namely, under a condition that a normal program is viewed, if the EPG key 46 is pressed, the picture plane of the TV display is changed from the normal program picture plane to the EPG picture plane as shown in FIG. 3, 0088), and displaying updated EPG information (updated program, line 15, 0103).

Re claim 3, Inoue et al teach method of controlling(The control data ,0066) a program guide display in which an electronic program guide is displayed(see fig.1, element 200, EPG output) using one tuner (see fig.1, element 4, tuner), the method comprising: (a) in response to a command to enter an EPG mode (see fig.8, EPG display process, see fig.5, element 46, EPG mode; if the EPG key 46 is pressed, the picture plane of the TV display is changed from the normal program picture plane to the EPG picture plane as shown in FIG. 3, 0088), checking if EPG information of N channels has been stored; if the EPG information of N channels has been stored, tuning a current channel of the N

channels and extracting corresponding EPG information(displaying the extracted program information, lines 19-20, 0008); displaying the EPG information of the current channel(see fig.3), which is extracted in operation (b), and the EPG information of remaining channels of the N channels which has been previously stored; and (d) if a selection channel is selected from among the N channels for which the EPG information of N channels is displayed in operation (c), tuning the selected channel(User searches for the favorite program among the channels and select it, lines 3-4, 0006; that means user tunes to a specific channel among the N channels)and updating corresponding EPG information(updated program, line 15, 0103).

Re claim 4, Inoue et al disclose wherein, in operation (c), the updated EPG information of the current channel and the EPG information of N-1 channels of the EPG information of the N channels which has been previously stored(The SI is the origin of the EPG display data. The EPG displaying process is performed by using this SI. The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform the EPG display is stored, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text), is displayed (in the display of the EPG, user uses the remote control device attached to the receiving apparatus to search for the favorite program (lines 8-9, 0005; that means user displayed only EPG program for channels that were previously stored).

Re claim 5, Inoue et al wherein, in operation (d), the selection channel is selected by positioning a cursor at a broadcasting program of a current channel while an EPG information screen is displayed, determining whether the cursor moves (as to move the cursor, lines 7-8, 0087), and if the cursor moves, determining whether the cursor moves vertically or horizontally (see fig.4, showing arrows when the cursor is moving vertically or horizontally).

Re claim 6, Inoue et al teach An apparatus configured to receive digital broadcasting(see fig.1, satellite digital broadcast receiving apparatus), the apparatus receiving a transport stream(see fig.1,element 6, transport stream; a transport stream , 0063) incorporating EPG information, the apparatus comprising: a demultiplexing unit (see fig.1, element 6, demultiplexer) configured to demultiplex the transport stream into a video stream, an audio stream, and the transport stream incorporating EPG information(The demultiplexer 6 extracts the audio data and video data corresponding to the selected service from among the inputted TS of the MPEG 2, and supplies them to an audio decoder 10 and a video decoder 8 respectively. Here, the audio data is in the format of MPEG 2-AAC, while the video data is in the format of MPEG 2-Video,0064); an image signal processing unit (see fig.1, element 9, display processor) configured to image-process streams demultiplexed by said demultiplexing unit; an EPG generating unit(see fig.1, element 16, information for EPG text) configured to generate a program guide screen using the EPG information; a display unit configured (see fig.1, element 200, display unit)to display an image signal output from said image signal processing unit(see fig.1, element 9, display processor) and the EPG information output(seefig.1, element 200, EPG output) from said EPG generating unit(see fig.1, element 16, information for EPG text); and a control unit (see fig.1, element 17, CPU) configured to tune a current channel and to detect corresponding broadcast information upon receipt of a request command of an EPG mode(,if the EPG key 46 is pressed, the picture plane of the TV display is changed from the normal program picture plane to the EPG picture plane as shown in FIG. 3, 0088) to tune a channel selected from among channels(the tuner is tuned to a receiving band selected by the user, lines 8-9, 0063; that means the user selects a channel)for which the EPG information is displayed by said display unit, and then to update EPG information corresponding to the selected channel(updated program, line 15, 0103).

Re claim 7, Inoue et al teach further comprising a key input unit (see fig.5, key) configured to select a desired channel from among(from among the obtained program information, 0029)the channels for which EPG information is displayed(see fig.1, element 200, EPG output).

.   Re claim 8, Inoue et al disclose wherein the EPG information corresponding to the selected channel is updated in a memory unit where such information is stored (The SI is the origin of the EPG display data. The EPG displaying process is performed by using this SI. The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform the EPG display is stored, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text; that means EPG information is updated in the RAM and the flash memory storage).

Re claim 9, Inoue et al disclose wherein the EPG information corresponding to the selected channel is updated in a memory unit where such information is stored (The SI is the origin of the EPG display data. The EPG displaying process is performed by using this SI. The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform the EPG display is stored, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text; that means EPG information is updated in the RAM and the flash memory storage).

Re claim 10, Inoue et al disclose wherein the EPG information corresponding to the selected channel is updated in a memory unit where such information is stored (The SI is the origin of the EPG display data. The EPG displaying process is performed by using this SI. The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform the EPG display is stored, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text; that means EPG information is updated in the RAM and the flash memory storage).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuyama et al (US. Pat. 7239359) disclose a digital broadcasting receiver.

.Applicant's amendment necessitated the new ground(s) of rejection presented in

·this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Jean Duclos Saintcyr whose phone

number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00

PM EST.If attempts to reach the examiner by telephone are not successful, his

supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for

the organization where the application or proceeding is assigned is 571-273-

8300. Information regarding the status of an application may be obtained from

the Patent Application Retrieval (PAIR) system. Status information for published

applications may be obtained from either private PAIR or Public PAIR. Status

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For more information about the PAIR system, see htpp://pair-direct.uspto.gov.

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assistance from a USPTO Customer Service Representative or access to the

automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-

272-1000.

Jean Duclos Saintcyr

02/06/2008

Brian Pendleton

Supervisor Patent Examiner